

2005 DRAFTING REQUEST

Bill

Received: 11/30/2004

Received By: agary

Wanted: 12/09/2004

Identical to LRB:

For: Rob Kreibich (608) 266-0660

By/Representing: Brad Hub (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: RPN, PJH

Submit via email: YES

Requester's email: Rep.Kreibich@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Liability exemption for persons who install child safety restraint systems

Instructions:

Redraft 2003 LRB-2076/1 (2003 AB-621).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			chaugen 12/02/2004	_____	mbarman 12/02/2004	lnorthro 04/20/2005	

FE Sent For:

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LRB-1068

12/02/2004 02:37:25 PM
Page 2

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1/?	agary	1 12/2 jld 12/2 p8		12/2 SUG			

FE Sent For:

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5
2003 ASSEMBLY BILL 621

October 27, 2003 - Introduced by Representatives KREIBICH, JENSEN, LADWIG, OWENS, ALBERS, BIES, HINES, SERATTI, OTT, TOWNSEND, MUSSEY, McCORMICK, GIELOW and BALOW, cosponsored by Senators BROWN, REYNOLDS, ROESSLER, COWLES, LASSA and STEPP. Referred to Committee on Judiciary.

Reger

- 1 AN ACT *to create* 895.497 of the statutes; **relating to:** immunity from civil
2 liability for providing safety services related to the inspection and installation
3 of child safety restraint systems in motor vehicles. ✓

Analysis by the Legislative Reference Bureau

Current law provides certain persons with immunity from civil liability under specified circumstances. For example, ski patrol members, and health care professionals who render emergency care without compensation, are immune from civil liability for their acts or omissions under certain circumstances. Organizations that donate food and some goods may also be immune from civil liability arising from the donated food or goods under limited circumstances.

This bill provides immunity from civil liability to a child passenger safety technician who, in good faith, inspects, installs, fits, or adjusts any child safety restraint system, or who provides education or other assistance or advice relating to the safe installation, fitting, or adjustment of child safety restraint systems. However, no immunity applies if the person receives compensation for providing the services or provides the services in a reckless, wanton, or intentionally wrongful manner. The bill also provides immunity to certain organizations with respect to their participation in safety programs that provide assistance, inspections,

ASSEMBLY BILL 621

education, or advice to the public in the fitting, installation, or adjustment of child safety restraint systems. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 895.497^X of the statutes is created to read:

2 **895.497 Liability exemption: furnishing safety services relating to**
3 **child safety restraint systems.** (1) In this section: ✓

4 (a) “Child passenger safety technician”[✓] means a person who holds a valid
5 certification as a child passenger safety technician or technician instructor issued by
6 the National Highway Traffic Safety Administration or any entity authorized by the
7 National Highway Traffic Safety Administration to issue such certifications.

8 (b) “Safety program”[✓] means any program utilizing the services of child
9 passenger safety technicians and not conducted for pecuniary profit that provides
10 assistance, inspections, education, or advice to the public in the fitting, installation,
11 or adjustment of child safety restraint systems. ✓

12 (c) “Sponsoring organization”[✓] means any person or organization that does any
13 of the following:

- 14 1. Employs a child passenger safety technician.
15 2. Sponsors, offers, or organizes any safety program.
16 3. Owns property on which a safety program is conducted.

17 (2) (a) A child passenger safety technician who inspects, installs, fits, or adjusts
18 any child safety restraint system specified under s. 347.48 (4),[✓] or who provides
19 education or other assistance or advice relating to the safe installation, fitting, or
20 adjustment of child safety restraint systems, is immune from civil liability for his or
21 her acts or omissions in rendering in good faith such services. ✓

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1 (b) The immunity under par. (a) [✓] does not extend to any of the following:

2 1. A person who receives compensation for providing the services specified in
3 par. (a) [✓], other than reimbursement for expenses.

4 2. A person whose acts or omissions in providing the services specified in par.
5 (a) involve reckless, wanton, or intentional misconduct.

6 (c) The good faith of a person in providing the services specified in par. (a) is
7 presumed in any civil action if the services provided are within the scope of the
8 person's training for which the person has been certified. Any person who asserts
9 that the acts or omissions under par. (a) were not made in good faith has the burden
10 of proving that assertion by clear and convincing evidence.

11 (3) A sponsoring organization is immune from civil liability arising from any
12 acts or omissions of a child passenger safety technician in providing services
13 specified in sub. (2) (a) [✓] or arising in connection with a safety program if the
14 sponsoring organization receives no compensation for the services provided by the
15 child passenger safety technician or for participating in the safety program.

16 **SECTION 2. Initial applicability.**

17 (1) This act first applies to services provided on the effective date of this
18 subsection. [✓]

19 (END)

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, March 29, 2005 3:01 PM
To: Rep.Kreibich
Subject: LRB 05-1068/1 (attached as requested)



05-1068/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
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Northrop, Lori

From: Halverson, Vicky
Sent: Wednesday, April 20, 2005 12:03 PM
To: LRB.Legal
Subject: LRB 1068/1

We would like to have this proposal jacketed for introduction. Thank you.

Vicky Halverson
Office of Rep. Rob Kreibich